

12-27-05

PTO/SB/64 (10-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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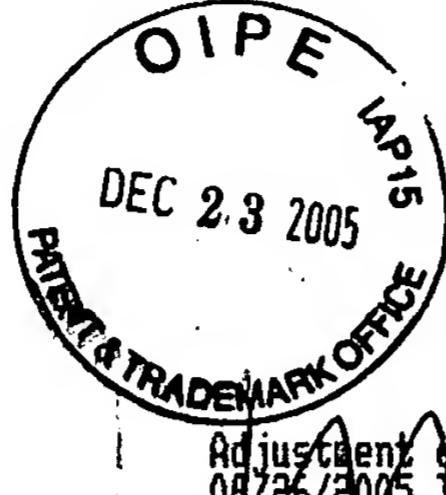
<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		Docket Number (Optional)
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First named inventor: Samuel K. Giles

Application No.: 10/644,572

Filed: August 21, 2003

Title: Vehicle Security System



Art Unit: 2632

Examiner: Travis R. Hunnings

Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (571) 273-8300

Adjustment date: 12/29/2005 DTESSEM1  
 08/26/2005 1BESH0H1 00000022 10644572  
 01 FC:2252 -225.00 OP

12/29/2005 DTESSEM1 00000051 10644572  
 01 FC:2453 750.00 OP

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

#### APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
 Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of Abandonment (identify type of reply):

has been filed previously on March 29th, 2005.  
 is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.  
 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Date

Samuel K. Giles &amp; Christopher E. Smith

Typed or printed name

Registration Number, if applicable

7312 Woodsman Cir

Address

419.699.5600

Telephone Number

Holland, OH 43528

Address

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Refund Request Letter**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature

Samuel K. Giles

Typed or printed name of person signing certificate

**Samuel K. Giles & Christopher E. Smith**

**App. # 10/644,572**

Petition Examiner: Wan Laymon

7312 Woodsman Circle  
Holland, OH 43528

December 23, 2005



Director of US Patents & Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

Our application became abandoned due to a failure to reply to a non-final office action mailed October 6, 2004. In response to the letter of abandonment mailed on August 9<sup>th</sup>, 2005 the applicants submitted a Petition to Withdraw Holding of Abandonment and a payment for \$225. Since the identified petition was dismissed, the petitioners request that the **\$225 payment** be applied towards the fee for filing a petition to revive under 37 CFR 1.137.

The petitioners have enclosed a Petition for Revival of an Application for Patent Abandonment Unintentionally Under 37 CFR 1.137 (b), copy of the Petition to Withdraw Holding of Abandonment Dismissal letter and a **\$525 payment** for the Petition for Revival of an Application.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel K. Giles".

Samuel K. Giles and Christopher E. Smith  
Independent Inventors

A handwritten signature in black ink, appearing to read "Christopher E. Smith".



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

SAMUELS K. GILES  
7312 WOODSMAN CIR.  
HOLLAND, OH 43528



COPY MAILED  
DEC 16 2005  
OFFICE OF PETITIONS

In re Application of  
Samuel K. Giles et al  
Application No. 10/644,572  
Filed: August 21, 2003  
For: Vehicle Security System

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed July 28, 2005, to withdraw the holding of abandonment for the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Petitioner is advised that this is **not** a final agency action.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 6, 2004, which set a shortened statutory period for reply of three (3) months. A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained.<sup>1</sup> Accordingly, the above-identified application became abandoned on March 7, 2005.

The file record fails to disclose the presence any interview summary record or other communication, oral or written, between petitioners herein and any employee of the U.S. Patent and Trademark Office (USPTO) regarding the extension of time fees in this matter. Petitioners should note that all business with the USPTO should be transacted in writing. The action of the USPTO will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt. *Note 37 CFR 1.2.*

Petitioners are further advised that, while an applicant may prosecute his own application, he is charged with knowledge of the patent statutes, rules and regulations. Therefore, petitioners'

<sup>1</sup> The fee for a three (3) month extensions of time was \$510.00 and petitioners paid a total of \$285.00 as of March 4, 2005.

detrimental reliance on oral advice, or advice to which there may be disagreement or doubt as to the content of the conversation, is not grounds for withdrawal of the holding of abandonment in this application. Petitioners are ultimately responsible for prosecuting their own application and for timely submitting the reply necessary to maintain pendency of the application and no attempt should be made to shift this burden to the USPTO.

In view of the above, the holding of abandonment is proper and will not be withdrawn.

Petitioners may wish to consider filing a petition under 37 CFR 1.137 to revive this application.

Finally, the petition encloses a \$225.00 check intended for a 3-month extension of time. However, an extension of time under 37 CFR 1.136 may only be obtained prior to expiration of the maximum extendable reply period. The request for extension of time submitted with the instant petition is not applicable, in that, it is filed subsequent to the maximum extendable reply period, i.e., subsequent to April 6, 2005. Petitioners may request a refund of this fee by writing to: Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request. Alternatively, petitioners may request that this \$225.00 payment be applied towards the fee for filing a petition to revive under 37 CFR 1.137.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

*Frances Hicks*  
Frances Hicks

Lead Petitions Examiner  
Office of Petitions